

REMARKS

The present Response and Amendment is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Status of Claims

Claims 1-25 are pending in the application. Claims 1-25 have been rejected. Claims 1, 4-7, 11, 12, 15, and 18 - 22 have been amended. No new matter has been added.

Telephone Interviews

Applicants wish to thank the Examiner Alan Luong for granting and attending two telephone interviews.

The first interview was held on October 15, 2008 with Examiner Luong, Examiner Son Inh and Applicants' representatives Caleb Pollack, Reg. No. 37, 912 and Yamima Eadan; the second interview was held on October 18, 2008 with Examiner Luong, Caleb Pollack and Yamima Eadan.

During the first interview, the rejection of claim 1 (as a representative claim) was discussed in view of the Vegt reference (U.S. Patent No. 6,038,433). Applicants subsequently provided Examiner Luong with proposed claim amendments. During the second interview, Examiner Luong asserted that the proposed claim amendments did not overcome the rejection of claim 1. Examiner Luong and Applicants' representatives discussed additional claim amendments to overcome the rejection of claim 1. No agreement was reached.

CLAIM REJECTIONS

35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected claims 1-4, 6, 11-16, 18-19, and 21 under 35 U.S.C. § 102(b) as being anticipated by Vegt (U.S. Patent No. 6,038,433). Applicant respectfully traverses the rejections of claims 1-4, 6, 11-16, 18-19, and 21 under 35 U.S.C. § 102(b) in view of the remarks that follow.

Each of Applicant's claims 1, 12, 15, and 18, as amended includes, *inter alia*:

if [a] predetermined criterion matches ... interim operational data, continuing locking onto [an] incoming channel, and if said predetermined criterion does not match said interim operational data, not continuing locking onto said incoming channel.

Applicant respectfully asserts that Vegt does not teach at least these features.

In the Office Action, the Examiner equates the frequency range 47-862 MHz, the symbol rate 1-7 MS/s, or the modulation type QPSK, 16, 32, 64, 128, or 256 QAM, in col. 2 lines 34-37 of Vegt as the predetermined criterion of Applicant's claim 1. However, nowhere does Vegt teach if there is a match between interim operational data and any of a frequency range, symbol rate, or modulation type, to continue locking onto an incoming channel. Furthermore, nowhere does Vegt teach *not* continuing locking onto an incoming channel because a frequency range, symbol rate, or modulation type, does not match other data. For example, nowhere does Vegt teach for example dropping a connection or moving to another frequency based on a mismatch of a comparison of data.

Additionally, each of Applicant's claims 1, 12, and 15, as amended includes, *inter alia*, a memory to store, or storing in a memory, instructions for comparing a predetermined criterion to interim operational data, said data resulting from an act of a channel locking procedure to lock onto an incoming channel.

Additionally, Applicant's claim 18, as amended includes, *inter alia*:

comparing a predetermined criterion to interim channel locking data, said interim operational data and said predetermined criterion stored a memory unit, said interim operational data resulting from an act of said channel-locking procedure

Applicant respectfully asserts that Vegt does not teach at least these features.

Nowhere does Vegt teach storing instructions to compare a predetermined criterion to interim operational data, the data resulting from a procedure for locking the device to an incoming channel.

Therefore each of claims 1, 12, 15, and 18, as amended, are allowable over Vegt.

Each of claims 2-4, 6, 11, 13, 14, 16, 19, and 21 depends directly or indirectly from, and therefore includes all of the limitations of, one of claims 1, 12, 15, and 18, which as discussed are allowable over Vegt. Therefore, Applicant respectfully asserts that claims 2-4, 6, 11, 13, 14, 16, 19, and 21, are likewise allowable.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejections of claims 1-4, 6, 11-16, 18-19, and 21, under 35 U.S.C. § 102(b).

35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claims 5, 17, and 20 under 35 U.S.C. § 103(a) as being unpatentable over Vegt in view of Van Beek (U.S. Publication No. 2002/0083465), claims 7-10 under 35 U.S.C. § 103(a) as being unpatentable over Vegt in view of Amshoff et al. (U.S. Publication No. 2002/0157110), claims 22-24 under 35 U.S.C. § 103(a) as being unpatentable over Amshoff in view of Vegt, and claim 25 under 35 U.S.C. § 103(a) as being unpatentable over Amshoff and Vegt in view of Ovadia. Applicant respectfully traverses the rejections of claims 5, 7-10, 20, 22-24, and 25 under 35 U.S.C. § 103(a) in view of the remarks that follow.

Each of claims 5, 7-10 and 20 depends directly or indirectly from, and therefore includes all of the limitations of, one of Applicant's claims 1 or 18, which as discussed are allowable over Vegt. Neither Van Beek nor Amshoff cure the deficiencies of Vegt. Therefore, Applicant respectfully asserts that claims 5, 7-10 and 20, are likewise allowable over the prior art of record.

Independent claim 22 includes inter alia:

if [a] predetermined criterion matches ... interim operational data, [a] demodulator continues locking onto [an] incoming channel, and if said predetermined criterion does not match said interim operational data, said demodulator does not continue locking onto said incoming channel.

Additionally, claim 22 includes, inter alia:

a memory to store instructions for comparing a predetermined criterion to interim operational data, said data resulting from an act of a channel locking procedure for [a] cable modem to lock onto an incoming channel of [a] cable modem termination system.

For the reasons similar to those stated above in reference to claims 1, 12, 15, and 18, Applicant respectfully asserts that Vegt does not teach at least these features. Applicant furthermore asserts that Amshoff does not cure the deficiencies of Vegt. Accordingly, claim 22 is allowable.

Each of claims 23, 24, and 25 depends directly from, and therefore includes all of the limitations of, Applicant's claim 22, which as discussed is allowable over each of Amshoff and Vegt, alone or in combination. The addition of Ovadia (applied to claim 25) does not

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cure the deficiencies of Amshoff and Vegt. Therefore, Applicant respectfully asserts that claims 23, 24, and 25, are likewise allowable over the prior art of record.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejections of claims 5, 7-10, 20, 22-24, and 25, under 35 U.S.C. § 103(a).

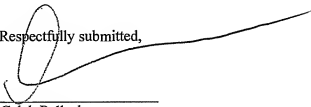
Conclusion

In view of the foregoing amendments and remarks, Applicant asserts the pending claims are allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any questions or comments as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

No fees are believed to be due associated with this paper; however, if any such fees are due, please charge such fees to deposit account No. 50-3355.

Respectfully submitted,



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